

REMARKS

Reconsideration of the application as amended is respectfully requested for the following reasons.

The claims have been renumbered 1-9 to comply with 37 CFR 1.126.

The claims 1-9 are objected to because of spelling mistakes. The appropriate corrections have been applied.

The specification is objected to as failing to provide proper antecedent basis for the claimed for the term "case". The term "case" has been removed from the claims and the objection is overcome.

Claims 2-9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2-9 have been amended and now comply with 35 U.S.C. § 112, second paragraph.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by US patent No. 5,992,717 to Clewes et al.

Clewes et al. disclose a case (tube 32) and a pair of fasteners 34, 36 attached to case 32 for mounting the case 32 to a hip plate 12 mounted on the fisherman garments. The hip plate 12 includes keyhole cutouts 28, 30 for insertion of the fasteners 34, 36 therein. The handle portion 102 of a fishing rod 100 can be received in the case 32 up to the point at which the reel assembly 104 is attached to the rod 100 [col. 4, lines 41-44]. As clearly shown on FIG. 1, the part of the fishing rod 100, on which the reel assembly 104 is mounted, is not inserted into the case 12. The case 12 cannot releasably receive the reel seat 104 therein. That teaches away from the present invention wherein the holding device is not conceived to receive a portion of the handle therein, but instead to receive at least a portion of a reel and reel seat assembly therein.

Moreover, the case 12 does not include means for mounting the case 12 on the fishing rod 100. The fasteners 24, 36 are not conceived for releasably secure the case 12 to a reel seat

base of a fishing rod, but rather to releasably secure the fishing rod 100 to the hip plate 12 mounted on the fisherman garments. These are all contrary to the present invention. Claim 1 of the patent application states that the holding device has a mounting foot attached thereto and the mounting foot is releasably secured to the reel seat base of the fishing rod.

In view of the foregoing, claim 1 is novel over Clewes et al. and 35 U.S.C. § 102(b) should be withdrawn. Claims 7-9 depends on claim 1 and are also believed to be novel.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by US patent No. 2,995,855 to Bell.

Bell teaches a case 13 which serves as a receiver for the butt end of a fishing rod [col. 3, lines 7-19], including the reel assembly as shown in FIGS. 3 and 4. The case 13 is mounted on a vertical support plate 11 adapted to be mounted on a belt 28 or the like which encircles the fisherman waist. The case 13 is secured to the vertical support plate 11 with a hinge 14 and cannot be released therefrom. The case 13 does not include means for mounting the case 13 to the fishing rod 100, as stated in claim 1, and cannot be released from the support plate 11 for mounting a reel and reel seat assembly to the fishing rod 100. That teaches away from the present invention, wherein the hollow cylinder is conceived to be releasably secured to the reel seat base of the fishing rod.

Amended claim 1 is patentable over Bell and claims 2, 6, 8 and 9 depends from an allowable independent claim 1.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by US patent No. 5,732,500 to Fitzpatrick.

Fitzpatrick discloses an adaptor for mounting simultaneously at least two fishing reels to a fishing rod. The adaptor includes a mounting foot 2 with a stem 4 and a bridge 6 running longitudinally with the fishing rod 28. The bridge 6 has a plurality of shoes 8, 10, 12, 14 for attachably mounting a plurality of reels to the bridge 6. As clearly shown in FIG. 4, the bridge 6 is a rod on which the mounting feet of the reels are secured with the shoes 8, 10, 12, 14. The bridge 6, or case, of Fitzpatrick is not conceived for the insertion of at least a portion of the reel and reel seat assembly therein, as stated in claim 1 of the patent application. That

teaches away from the present invention where the reel and reel seat assembly is releasably mounted to the hollow cylinder with at least a portion of the reel and reel seat assembly inserted therein.

In view of the foregoing, claim 1 is novel over Fitzpatrick and 35 U.S.C. § 102(b) should be withdrawn.

Claims 7-9 depends on claim 1 and are also believed to be novel.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by US patent No. 3,556,365 to Bull.

Bull teaches a case (cylindrical element 14) for supporting a reel 10 and inserting a rod 16. The end portion of the case 14 is flattened and turned to be mounted upon a bolt 20. The head portion of the bolt 20 passes through an aperture 24 of an arcuate traverse support member 28 having its ends connected to a waist belt 30, the waist belt being worn by the user [col. 1, lines 32-38]. The case 14 is secured to the support member 28 by bolt 20, cannot be released therefrom without unscrewing the bolt 20. Furthermore, the case 14 does not include means for mounting the case 14 to a fishing rod 16. As stated in claim 1 of the patent application, the mounting foot is releasably secured to the reel seat base of the fishing rod. Moreover, the hollow cylinder is not conceived to receive a fishing rod therein, but to receive at least a portion of the reel and reel seat assembly therein, in a releasable manner. That teaches away from the present invention.

Amended claim 1 is patentable over Bull.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by US patent No. 2,474,343 to Burden.

Burden teaches a reel support 10 (cylindrical element 14) for supporting a reel 33. The reel support 10 includes a body member 11 and is securable to the fisherman. The reel 33 is disposed over the reel support 10 and secured thereto with a slidable collar 17 and elements 20, 21. The reel support 10 includes body member 11 and is not adapted and does not include means for mounting the reel support 10 to a fishing rod 16, as stated in claim 1 of the patent

application. That teaches away from the present invention wherein the hollow cylinder has a mounting foot releasably securable to the reel seat base of the fishing rod and at least a portion of the reel and reel seat assembly is insertable in the hollow cylinder.

Amended claim 1 is patentable over Burden.

Claims 2, 3, and 6 are rejected under 35 U.S.C. § 103(a) as unpatentable over US patent No. 5,992,717 to Clewes et al. in view US patent No. 2,995,855 to Bell.

As mentioned above, the case 12, disclosed by Clewes et al., does not include means for mounting the case 12 to the fishing rod 100. The fasteners 24, 36 are not conceived for releasably secure the case 12 to a reel seat base of a fly fishing rod, but rather to releasably secure the fishing rod 100 to the hip plate 12 mounted on the fisherman garments. Similarly, the case 13, disclosed by Bell et al., is mounted on a vertical support plate 11 adapted to be mounted on a belt 28 or the like which encircles the fisherman waist. The case 13 is secured to the vertical support plate 11 with a hinge 14 and cannot be released therefrom. The case 13 does not include means for mounting the case 13 to the fishing rod 100 and cannot be released from the support plate 11 for mounting a reel and reel seat assembly to the fishing rod. Therefore, none of Bell and Clewes et al. teaches a case that can be releasably mounted to the reel seat base of a fly fishing rod. Therefore, it is believed that claims 2, 3, and 6 are non obvious.

Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as unpatentable over US patent No. 5,992,717 to Clewes et al. in view US patent No. 2,995,855 to Bell as applied to claim 2 and further in view of US patent No. 2,598,021 to Schwanke or US patent No. 2,452,279 to Young.

Claims 4 and 5 depend on claims 1 and 2 which are novel and non-obvious. Therefore, claims 4 and 5 are also novel and non-obvious.

Claim 6 is rejected under 35 U.S.C. § 103(a) as unpatentable over US patent No. 5,992,717 to Clewes et al. in view US patent No. 2,995,855 to Bell as applied to claim 2 and further in view of US patent No. 5,632,427 to Gattuso et al.

Claim 6 depends on claim 1 which is novel and inventive. Therefore, claim 6 is also novel and inventive.

Claim 3 is rejected under 35 U.S.C. § 103(a) as unpatentable over US patent No. 2,995,855 to Bell.

Claim 3 depends on claim 1 which is novel and inventive. Therefore, claim 3 is also novel and inventive.

Applicants respectfully submit that the specification and claims as amended render the application in condition for allowance. Reconsideration of the objections is respectfully requested. In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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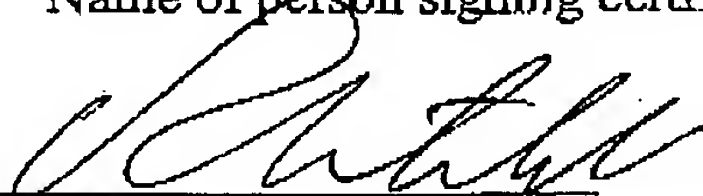
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